

<b>Examiner-Initiated Interview Summary</b>	<b>Applicati n No.</b> 08/936,657	<b>Applicant(s)</b> ECKSTEIN ET AL.	
	<b>Examiner</b> J. Douglas Schultz	<b>Art Unit</b> 1635	

**All Participants:**

**Status of Application:** On Appeal

(1) J. Douglas Schultz.

(3) \_\_\_\_\_.

(2) Anita Terpstra.

(4) \_\_\_\_\_.

**Date of Interview:** 8 January 2004

**Time:** 2:45 pm

**Type of Interview:**

- ☒ Telephonic  
☐ Video Conference  
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

**Part I.**

Rejection(s) discussed:

*Potential obviousness-type double patenting based on overlapping subject matter between claim 44 of the instant application with claim 1 of related and allowed U. S. Patent Number 5,817,635.*

Claims discussed:

*Claim 44*

Prior art documents discussed:

*U. S. Patent Number 5,817,635.*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.  
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

  
 (Examiner/SPE Signature)

\_\_\_\_\_  
 (Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The possibility of filing a terminal disclaimer to U. S. Patent Number 5,817,635 was discussed, in light of the Board remand dated September 30, 2003 which indicated that the subject matter of instant "claim 44 on appeal subsumes or at least significantly overlaps the subject matter of claim 1 of the '635 patent." Applicants agreed to consider filing a TD after they had a chance to review the matter. .